

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 DEC 26 AM 11:33

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Mario SILVA-Otto,

Defendant

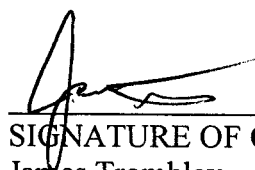
Magistrate Docket No. 07 MJ 297

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:
DEPUTYTitle 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **December 22, 2007** within the Southern District of California, defendant, **Jose Mario SILVA-Otto**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **DECEMBER** **2007**


Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jose Mario SILVA-Otto****PROBABLE CAUSE STATEMENT**


I declare under the penalty of perjury that the following statement is true and correct:

On December 22, 2007, at approximately 4:30 P.M., the Remote Video Surveillance and Sensory Scope Operator advised via service radio of a single individual running north from the United States/Mexico International Boundary Fence and that he had seen the individual go over the Secondary Fence and into an area known as the "Snack Shop Lot". This area is approximately five miles east of the San Ysidro, California Port of Entry and fifty yards north of the United States/Mexico International Boundary.

Border Patrol Agent J. Salas responded to the area and encountered an individual climbing down a fence located on the northeast corner of a semi-truck trailer lot known as the "Snack shop lot". Agent Salas identified himself as Border Patrol Agent and questioned the individual as to his citizenship. The individual, later identified as the defendant Jose Mario SILVA-Otto, stated that he was a citizen and national of Mexico with no proper immigration documents that would allow him to be or remain in the United States legally. The defendant was arrested at approximately 4:35 P.M. and was transported to the Imperial Beach Border Patrol Station for processing.

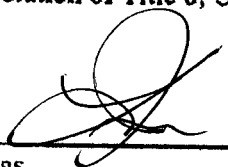
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on June 8, 2007 through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on December 24, 2007 at 10:20 A.M.



Raul Castorena
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 22, 2007, in violation of Title 8, United States Code, Section 1326.



Leo S. Papas
United States Magistrate Judge

12/24/07 - 12:14 PM
Date/Time